

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LENA ARMAS and ANDREA BLUM,  
individually and on behalf of all others similarly  
situated,

Plaintiff,

v.

REALPAGE, INC., GREYSTAR REAL  
ESTATE PARTNERS, LLC, CH REAL  
ESTATE SERVICES, LLC, LINCOLN  
PROPERTY CO., FPI MANAGEMENT, INC.,  
MID-AMERICA APARTMENT  
COMMUNITIES, INC., AVENUE5  
RESIDENTIAL, LLC, EQUITY  
RESIDENTIAL, ESSEX MANAGEMENT  
CORPORATION, AVALONBAY  
COMMUNITIES, INC., CAMDEN PROPERTY  
TRUST, ESSEX PROPERTY TRUST, INC.,  
THRIVE COMMUNITIES MANAGEMENT,  
LLC, SECURITY PROPERTIES INC., B/T  
WASHINGTON, LLC d/b/a BLANTON  
TURNER, INDEPENDENCE REALTY  
TRUST, INC., CUSHMAN & WAKEFIELD,  
INC., BH MANAGEMENT SERVICES, LLC,  
and UDR, INC.,

Defendants.

No. 2:22-cv-01726

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND  
TO COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lena Armas and Andrea Blum (collectively, “Plaintiffs”) and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Equity Residential, Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, Independence Realty Trust, Inc., Cushman & Wakefield, Inc., BH Management Services, LLC, and UDR, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel,<sup>1</sup> hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December 6, 2022. ECF No. 1.

WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about December 8, 9, 12, and 13, 2022.

WHEREAS, Plaintiffs have not yet served Avenue5 Residential, LLC, Essex Property Trust, Inc., and Security Properties Inc.

WHEREAS, Plaintiffs and the Stipulating Defendants are not aware whether CH Real Estate Services, LLC, and B/T Washington, LLC d/b/a Blanton Turner are yet represented by counsel, and, in any event, have not yet heard from them.

WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, as of the date of this filing, the parties are aware that one or more of the Stipulating Defendants are named in multiple other lawsuits, in District Courts in Colorado, Massachusetts, Texas, and Washington, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

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<sup>1</sup> Greystar Real Estate Partners, LLC, Lincoln Property Co., Mid-America Apartment Communities, Inc., Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Independence Realty Trust, Inc., Cushman & Wakefield, Inc., BH Management Services, LLC, and UDR, Inc. are still in the process of retaining local counsel for this action and have been represented by the national counsel listed in the signature block below.

1 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that  
2 party and judicial efficiency would be best served by suspending, for a short period of time, the  
3 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
4 Complaint.

5 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to meet and confer  
6 and file a status report with the Court by January 18, 2023 related to a schedule for the case.

7 WHEREAS, on November 28, 2022, Judge Robert S. Lasnik entered in *Navarro v.*  
8 *RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), an order that is essentially identical to  
9 the subjoined order based on a stipulation that is essentially identical to this one.

10 WHEREAS, on December 6, 2022, Judge Barbara J. Rothstein entered in *Alvarez et al.*  
11 *v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), which is now pending before Judge  
12 Lasnik, an order that is essentially identical to the subjoined order based on a stipulation that is  
13 essentially identical to this one.

14 WHEREAS, on December 8, 2022, Defendant Equity Residential filed a Motion to  
15 Transfer *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), which is  
16 pending before Judge Lasnik, to the Southern District of California.

17 WHEREAS, on December 12, 2022, Judge Robert S. Lasnik entered in *Cherry et al. v.*  
18 *RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), an order that is essentially identical to  
19 the subjoined order based on a stipulation that is essentially identical to this one.

20 WHEREAS, in light of actions filed recently in the District of Colorado, the District of  
21 Massachusetts, and the Western District of Texas, the Stipulating Defendants intend on filing a  
22 motion pursuant to 28 U.S.C. § 1407 or, possibly, 28 U.S.C. § 1404 to transfer this case to the  
23 Northern District of Texas.

24 In making this stipulation, the Stipulating Defendants do not waive, in this or any other  
25 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.  
26 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common law

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1 defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or  
2 consolidated alternatives. The Stipulating Defendants expressly reserve their rights to raise any  
3 such defenses (or any other defense) in response to either the Complaint or any original,  
4 amended, or consolidated complaint that may be filed in this or any other action.

5 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend  
6 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
7 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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9 STIPULATED to this 20th day of December, 2022.

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**ORDER**

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Equity Residential, Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, Independence Realty Trust, Inc., Cushman & Wakefield, Inc., BH Management Services, LLC, and UDR, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Equity Residential, Essex Management Corporation, AvalonBay Communities, Inc., Camden Property Trust, Thrive Communities Management, LLC, Independence Realty Trust, Inc., Cushman & Wakefield, Inc., BH Management Services, LLC, and UDR, Inc. shall meet and confer and file a status report with the Court by January 18, 2023.

DATED this 27th day of December, 2022.



Robert S. Lasnik

United States District Judge